

Senate Amendment 3488

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1 1 Amend Senate File 455 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <DIVISION I
1 5 CRIMINAL PENALTIES
1 6 Section 1. Section 692A.1, subsection 7, Code
1 7 2007, is amended by adding the following new
1 8 paragraph:
1 9 NEW PARAGRAPH. dd. Indecent exposure by
1 10 electronic transmission of an image in violation of
1 11 section 709.9A.
1 12 Sec. 2. NEW SECTION. 709.9A INDECENT EXPOSURE BY
1 13 ELECTRONIC TRANSMISSION OF AN IMAGE INVOLVING A CHILD.
1 14 A person who electronically transmits an image of
1 15 the person's exposed genitals or pubes, or
1 16 electronically transmits an image of the person
1 17 committing a sex act, commits an aggravated
1 18 misdemeanor if all of the following apply:
1 19 1. The image is intended to be viewed by a child
1 20 or a person believed to be a child.
1 21 2. The person intends to arouse or satisfy the
1 22 sexual desires of either party.
1 23 Sec. 3. NEW SECTION. 710.12 SEXUAL SOLICITATION
1 24 OF A MINOR.
1 25 1. As used in this section:
1 26 a. "Instant message" means a form of real-time
1 27 communication between two or more people based on
1 28 typed text.
1 29 b. "Solicit" means to command, authorize, urge,
1 30 entice, request, or advise a person by any means
1 31 including in person, through an agent, over the
1 32 telephone, through any print medium, by mail, by
1 33 computer or internet, by instant message, or by any
1 34 other electronic means.
1 35 2. A person shall not, with the intent to commit
1 36 sexual abuse or sexual exploitation, knowingly solicit
1 37 a minor or a person reasonably believed to be a minor,
1 38 to engage in a prohibited sex act.
1 39 3. For purposes of determining jurisdiction under
1 40 section 803.1, an offense is considered committed in
1 41 this state if the solicitation of a minor or a person
1 42 believed to be a minor who is present in this state
1 43 originates from another state, or the solicitation of
1 44 a minor or a person believed to be a minor originates
1 45 from this state.
1 46 4. A person who violates this section commits a
1 47 class "C" felony if the person solicited is a minor
1 48 under thirteen years of age or a person reasonably
1 49 believed to be under thirteen years of age.
1 50 5. A person who violates this section commits a
2 1 class "D" felony if the person solicited is a minor
2 2 under sixteen years of age or a person reasonably
2 3 believed to be under sixteen years of age.
2 4 DIVISION II
2 5 JUVENILE SEX OFFENDERS AND
2 6 SEX OFFENDER RESIDENCY RESTRICTIONS
2 7 Sec. 4. Section 692A.2, subsection 1, paragraph c,
2 8 Code 2007, is amended to read as follows:
2 9 c. From the date of release as a juvenile from
2 10 group foster care or residential treatment.
2 11 Sec. 5. Section 692A.2, subsection 6, Code 2007,
2 12 is amended to read as follows:
2 13 6. A person is not required to register while
2 14 incarcerated, in group foster care, or in a state or
2 15 private residential treatment program. ~~A person who~~
2 16 ~~is convicted, as defined in section 692A.1, of a~~
2 17 ~~criminal offense against a minor, sexual exploitation,~~
2 18 ~~a sexually violent offense, or an other relevant~~
2 19 ~~offense as a result of adjudication of delinquency in~~
2 20 ~~juvenile court shall be required to register as~~
2 21 ~~required in this chapter unless the juvenile court~~
2 22 ~~finds that the person should not be required to~~
2 23 ~~register under this chapter. If a juvenile is~~
2 24 ~~required to register and the court later modifies the~~

2 25 order regarding the requirement to register, the court
2 26 shall immediately notify the department. Convictions
2 27 of more than one offense which require registration
2 28 under this chapter but which are prosecuted within a
2 29 single indictment shall be considered as a single
2 30 offense for purposes of registration.

2 31 Sec. 6. Section 692A.2, Code 2007, is amended by
2 32 adding the following new subsections:

2 33 NEW SUBSECTION. 7. A person who is convicted, as
2 34 defined in section 692A.1, of a criminal offense
2 35 against a minor, an aggravated offense, a sexually
2 36 violent offense, or an other relevant offense as a
2 37 result of an adjudication of delinquency shall be
2 38 required to register as required in this chapter
2 39 unless the juvenile court finds, pursuant to
2 40 subsection 8, that the person should not be required
2 41 to register or that the person shall register for a
2 42 period of time shorter in duration than otherwise
2 43 required. If the court later modifies the requirement
2 44 to register or the period of registration, the court
2 45 shall immediately notify the department.

2 46 NEW SUBSECTION. 8. The juvenile court, upon
2 47 motion of the person required to register as a result
2 48 of an adjudication of delinquency, shall set a hearing
2 49 on the motion and give reasonable notice to all
2 50 parties. For good cause, the court may order that the
3 1 person not be required to register or order that the
3 2 person register for a period of time shorter in
3 3 duration than otherwise required. The motion shall be
3 4 made and hearing shall be held prior to the person's
3 5 discharge from juvenile court jurisdiction for the
3 6 offense requiring registration. If the person has
3 7 been ordered to participate or is voluntarily
3 8 participating in an appropriate outpatient treatment
3 9 program for juvenile sex offenders, the juvenile court
3 10 may temporarily suspend the registration requirement
3 11 and may defer the hearing on the matter until the
3 12 person has completed or has been discharged from the
3 13 treatment program. A final order shall be entered
3 14 within thirty days from the date of the person's
3 15 completion of or discharge from treatment. An order
3 16 that suspends or modifies the registration requirement
3 17 shall include written findings that a departure from
3 18 the registry requirements is warranted and shall
3 19 include appropriate restrictions during the period of
3 20 suspension or modification of the registry
3 21 requirements.

3 22 NEW SUBSECTION. 9. Notwithstanding any other
3 23 provision of this chapter to the contrary, if a person
3 24 required to register under this chapter is a minor at
3 25 the time the offense was committed, the court having
3 26 jurisdiction of the person's offense, upon application
3 27 of the person, after reasonable notice and hearing,
3 28 may order a period of registration shorter in duration
3 29 than what is otherwise required. The court shall make
3 30 written findings that a shorter period of registration
3 31 is warranted based upon any of the following: the
3 32 person's successful completion of treatment; age of
3 33 the person at the time the offense was committed; the
3 34 nature of the offense; or any other relevant
3 35 information.

3 36 NEW SUBSECTION. 10. Convictions of more than one
3 37 offense which require registration under this chapter
3 38 but which are prosecuted within a single indictment
3 39 shall be considered as a single offense for purposes
3 40 of registration.

3 41 Sec. 7. Section 692A.2, subsection 7, Code 2007,
3 42 is amended to read as follows:

3 43 ~~7- 11.~~ A person who has been convicted of an
3 44 offense under the laws of this state or of another
3 45 state which would qualify the person as a sexually
3 46 violent predator shall register as provided in this
3 47 chapter for life.

3 48 Sec. 8. Section 692A.2A, Code 2007, is amended to
3 49 read as follows:

3 50 692A.2A RESIDENCY RESTRICTIONS == CHILD CARE
4 1 FACILITIES AND SCHOOLS.

4 2 ~~1. For purposes of this section, "person" means a~~
4 3 ~~person who has committed a criminal offense against a~~
4 4 ~~minor, or an aggravated offense, sexually violent~~
4 5 ~~offense, or other relevant offense that involved a~~

~~4 6 minor.~~
~~4 7 1. As used in this section:~~
~~4 8 a. "Person" means a person required to register~~
~~4 9 under this chapter who has been convicted of a~~
~~4 10 criminal offense against a minor, or an offense~~
~~4 11 involving a minor that is an aggravated offense,~~
~~4 12 sexually violent offense, or other relevant offense.~~
~~4 13 b. "School" means a public or nonpublic elementary~~
~~4 14 or secondary school.~~
~~4 15 2. For purposes of measuring the distance from the~~
~~4 16 real property comprising a school or a child care~~
~~4 17 facility to a residence, the distance shall be~~
~~4 18 measured from the real property comprising the school~~
~~4 19 or child care facility to the real property comprising~~
~~4 20 the residence where the person resides.~~
~~4 21 2- 3. A person shall not reside within two~~
~~4 22 thousand feet of the real property comprising a public~~
~~4 23 or nonpublic elementary or secondary school or a child~~
~~4 24 care facility.~~
~~4 25 3. A person who resides within two thousand feet~~
~~4 26 of the real property comprising a public or nonpublic~~
~~4 27 elementary or secondary school, or a child care~~
~~4 28 facility, commits an aggravated misdemeanor.~~
~~4 29 4. A person residing within two thousand feet of~~
~~4 30 the real property comprising a public or nonpublic~~
~~4 31 elementary or secondary school or a child care~~
~~4 32 facility does not commit a violation of this section~~
~~4 33 if any of the following apply:~~
~~4 34 a. The person is required to serve a sentence at a~~
~~4 35 jail, prison, juvenile facility, or other correctional~~
~~4 36 institution or facility.~~
~~4 37 b. The person is subject to an order of commitment~~
~~4 38 under chapter 229A.~~
~~4 39 c. The person has established a residence prior to~~
~~4 40 July 1, 2002, or a school or child care facility is~~
~~4 41 newly located on or after July 1, 2002.~~
~~4 42 d. The person has established a residence prior to~~
~~4 43 any newly located school or child care facility being~~
~~4 44 established.~~
~~4 45 d. e. The person is a minor or a ward under a~~
~~4 46 guardianship.~~
~~4 47 f. The person is enrolled in a secondary school.~~
~~4 48 g. The person is a ward in a guardianship.~~
~~4 49 5. A person who commits a violation of this~~
~~4 50 section commits an aggravated misdemeanor.~~

5 1 DIVISION III
5 2 SEX OFFENDER TREATMENT AND SUPERVISION TASK
5 3 FORCE
5 4 Sec. 9. NEW SECTION. 216A.139 SEX OFFENDER
5 5 TREATMENT AND SUPERVISION TASK FORCE.
5 6 1. The division shall establish and maintain a
5 7 task force to study and make recommendations for
5 8 treating and supervising sex offenders in correctional
5 9 institutions, community-based correctional programs,
5 10 and in the community.
5 11 2. Members of the task force shall include members
5 12 of the general assembly selected by the legislative
5 13 council and representatives of the following:
5 14 a. One representative from the state department of
5 15 transportation.
5 16 b. One representative of the Iowa civil liberties
5 17 union.
5 18 c. One representative of the department of human
5 19 services.
5 20 d. One representative of the department of public
5 21 safety.
5 22 e. One representative of the Iowa state sheriffs'
5 23 and deputies' association.
5 24 f. One representative of the Iowa county attorneys
5 25 association.
5 26 g. One representative of the department of
5 27 corrections.
5 28 h. One representative of the board of parole.
5 29 i. One representative of a judicial district
5 30 department of correctional services.
5 31 j. One representative of the department of
5 32 justice.
5 33 k. One representative of the state public
5 34 defender.
5 35 l. One representative of the Iowa coalition
5 36 against sexual assault.

5 37 m. One representative of the judicial branch.
5 38 3. The task force shall study the following:
5 39 a. The effectiveness of electronically monitoring
5 40 sex offenders.
5 41 b. The effects and costs of sex offender
5 42 sentencing laws including the special sentence in
5 43 chapter 903B.
5 44 c. Risk assessment models created for sex
5 45 offenders.
5 46 d. Determining the best treatment programs
5 47 available for sex offenders and the efforts of Iowa
5 48 and other states to implement treatment programs.
5 49 e. The efforts of Iowa and other states to prevent
5 50 sex-related crimes and child sexual abuse.
6 1 f. Any other issues the task force deems necessary
6 2 including but not limited to computer and internet
6 3 sex-related crimes, the investigation of sex-related
6 4 crimes, sex offender case management, best practices
6 5 for sex offender supervision, the sex offender
6 6 registry, and the effectiveness of safety zones.
6 7 4. During the 2007 interim and periodically
6 8 thereafter the task force shall study and make
6 9 specific recommendations for licensure or
6 10 certification standards of sex offender treatment
6 11 programs. The specific recommendations shall be part
6 12 of any report submitted pursuant to subsection 6.
6 13 5. In addition, during the 2007 interim the task
6 14 force shall study the federal Adam Walsh Child
6 15 Protection and Safety Act of 2006 and compare the Act
6 16 with Iowa's sex offender registry laws, and make
6 17 recommendations part of any report submitted pursuant
6 18 to subsection 6.
6 19 6. Beginning on January 15, 2008, and every year
6 20 thereafter by January 15, the task force shall report
6 21 to the governor and the general assembly the issues
6 22 studied, actions taken, and task force
6 23 recommendations.
6 24 Sec. 10. 2005 Iowa Acts, chapter 158, section 52,
6 25 is amended by striking the section.>
6 26 #2. Title page, by striking lines 1 through 3 and
6 27 inserting the following: <An Act relating to
6 28 prohibited sex acts including certain sex acts
6 29 involving minors, the sex offender registry, sex
6 30 offender residency restrictions, the sex offender task
6 31 force, and providing penalties.>
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